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General Assembly

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Fifty-eighth session
Agenda item 38
Question of Palestine

Algeria, Bahrain, Bangladesh, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Status of the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its resolutions 3237 (XXIX) of 22 November 1974, 43/177 of 15 December 1988 and 52/250 of 7 July 1998,

Recalling also Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003),

Recalling further the relevant provisions of international law, as well as relevant United Nations resolutions, with regard to Israeli settlements and to Occupied East Jerusalem,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Noting that Palestine, in its capacity as observer and pending its attainment of full membership in the United Nations, does not present credentials to the General Assembly,

Affirming the need to enable the Palestinian people to exercise sovereignty over the territory occupied by Israel since 1967 and to achieve independence in their State, Palestine,

Desirous of contributing to the achievement of the inalienable rights of the Palestinian people and the attainment of a just and comprehensive negotiated peace settlement in the Middle East resulting in two viable, sovereign and independent States, Israel and Palestine, based on the Armistice Line of 1949 and living side by side in peace and security,

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Affirms that the status of the Palestinian territory occupied since 1967, including East Jerusalem, remains one of military occupation, and *affirms*, in accordance with the rules and principles of international law, that the Palestinian people have the right to self-determination and to sovereignty over this territory and that Israel, the occupying Power, has no sovereignty over any part of this territory.

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General Assembly

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6 May 2004

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Fifty-eighth session
Agenda item 38
Question of Palestine

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen and Palestine: revised draft resolution

Status of the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its resolutions 3237 (XXIX) of 22 November 1974, 43/177 of 15 December 1988 and 52/250 of 7 July 1998,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1515 (2003) of 19 November 2003,

Recalling further the relevant provisions of international law as well as relevant United Nations resolutions with regard to Israeli settlements and to Occupied East Jerusalem,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Noting that Palestine, in its capacity as observer and pending its attainment of full membership in the United Nations, does not present credentials to the General Assembly,

Affirming the need to enable the Palestinian people to exercise sovereignty and to achieve independence in their State, Palestine,

1. *Affirms* that the status of the Palestinian territory occupied since 1967, including East Jerusalem, remains one of military occupation, and affirms, in accordance with the rules and principles of international law and relevant resolutions of the United Nations, including Security Council resolutions, that the Palestinian people have the right to self-determination and to sovereignty over their territory and that Israel, the occupying Power, has only the duties and obligations of

an occupying Power under the Fourth Geneva Convention[1] and the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War of 1907;[2]

2. *Expresses its determination* to contribute to the achievement of the inalienable rights of the Palestinian people and the attainment of a just and comprehensive negotiated peace settlement in the Middle East resulting in two viable, sovereign and independent States, Israel and Palestine, based on the pre-1967 borders and living side by side in peace and security.

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).